



Governor Terry E. Branstad  
Lt. Governor Kim Reynolds  
San Wong, Director

## JUVENILE JUSTICE ADVISORY COUNCIL

"To advocate for an effective, fair and equitable justice system for every Iowa youth."

### MINUTES OF REGULAR MEETING

**Polk County River Place  
2309 Euclid Avenue, Conf. Room 1A  
Des Moines, IA 50310**

**June 6, 2013**

- Present:** Rita Ferneau, Chair; Andrew Allen; Robert Bonus; Stephen Clarke; Wayne Ford; Joel Illian; Margaret Johnson; Karen Jones; Jeremy Kaiser; Dillon Malone; John Quinn; Tony Reed; Carl Smith; Shauna Soderstrum; Zachary Thomas; Jennifer Tibbetts; John Wauters; Jeralyn Westercamp; Doug Wolfe
- Absent:** Jacey Bair-Waddell; Christy Burkhart; Jason Dively; Roy Klobnak; Bill Ocker; David Thompson; Alyssa Wicker
- Staff:** Paul Stageberg; Dave Kuker; Steve Michael; Scott Musel; Kathy Nesteby; Julie Rinker
- Others:** Tom Southard, Candice Bennett, Juvenile Court Services; Cathy Engle

#### **I. Call to Order**

Rita Ferneau called the meeting to order at 10:05 a.m. A quorum was present.

- **Changes and Approval of Agenda**

**Carl Smith moved to approve the agenda, seconded Judge Stephan Clarke. The motion was unanimously approved.**

- **Introductions**

Introductions were made at this time.

Ferneau recognized John Wauters for his years of service to the Council and to young Iowans in his position as Chief Juvenile Court Officer. Wauters thanked Ferneau. He acknowledged CJJP staff and the number of achievements made on behalf of youth in Iowa.

#### **II. Approve Minutes**

**Judge Clarke moved to approve the minutes from the March 7<sup>th</sup> meeting, seconded by Margaret Johnson. The motion was unanimously approved.**

### **III. Division Update**

Paul Stageberg reported that CJJP has been awarded a state budget increase of \$160,000. The increase will cover the addition of one justice systems analyst and requires that CJJP conduct a mental health court study. Stageberg noted the number of councils staffed by CJJP and that the Sex Offender Research Council (SORC) has not met in the last year due to staffing.

[10:12 a.m. Doug Wolfe joined the meeting.]

### **IV. National Update**

Stageberg reported that federal Juvenile Justice & Delinquency Prevention (JJDP) Act funds may be reduced by 5% due to sequestration, but no official word has been received. Some Enforcing Underage Drinking Laws (EUDL) funds were awarded, although it had not been anticipated.

- **CJJ Conference Report**

Ferneau reported on the Coalition for Juvenile Justice (CJJ) conference in Washington, DC. One day was reserved for meetings with federal legislative staff. Informational packets were provided to staffers regarding federal funding reductions and the various local programs funded by congressional district.

Scott Musel noted the resignation of Nancy Gannon Hornberger, CJJ Executive Director. There was consensus to send a letter to acknowledge her service.

[10:30 a.m. Jennifer Tibbetts joined the meeting.]

### **V. Council Budget Report**

- **Reduction in Funds available to Council – Action**

Musel reported that there is a remaining balance of \$11,803.52 in Council funds. He noted the history of expenditures and that the funds will be reduced by one-third next year (from \$30,000 to \$20,000).

Council members discussed the effectiveness of CJJ and the cost of membership (\$5,000 per year) as well as ways to reduce travel costs for JJAC and subcommittee meetings.

**John Quinn moved to establish a committee to review expenditures and make recommendations, seconded by Carl Smith.**

Musel suggested the Council's Executive Committee was an appropriate group to discuss the matter.

**The motion was unanimously approved.**

A report will be provided at the next meeting. Musel will work with Ferneau to set a meeting date.

- **Upcoming Travel – Staff – Action**

There was no upcoming travel for staff.

## **VI. Compliance Monitoring Report**

Musel reviewed JJDP Act requirements, which includes compliance monitoring. A report to the federal Office of Juvenile Justice & Delinquency Prevention (OJJDP) is due June 30. Facilities have been visited and there were a few violations which is typical (normally 4-7 violations). He noted that newer jail facilities are better suited to hold juveniles.

[11:13 a.m. Wayne Ford joined the meeting.]

## **VII. Discussion: CJJ DSO SOS Project**

The Council discussed information included in the meeting packet regarding CJJ's proposed "Safety, Opportunity & Success (SOS): Standards of Care for Non-Delinquent Youth". The SOS project pertains to youth who have committed a status offense and violate the conditions of probation. These youth may end up in detention through a valid court order (VCO). The project proposes policies and practices to limit court involvement, ensuring that proper services are implemented while avoiding deeper court involvement. A webinar will be held June 12<sup>th</sup> to provide an overview of the standards for state advisory groups (SAG's) and council members.

After a brief discussion, there was consensus that the Executive Committee will further review the matter and make a recommendation to the full council for consideration at the September meeting.

## **VIII. PnP Sub-Committee**

Carl Smith reviewed the guiding principles discussed at the last meeting. The matter was referred to the Policy & Programs (PnP) Subcommittee for further prioritization. The PnP was also asked to develop a mission statement and consider the establishment of a "legislative action committee". Smith referred to the discussion noted in the PnP minutes provided in the meeting packet.

- **Guiding Principles**

The guiding principles were organized as follows:

**A. Recognizing Unique Needs of Youth**

1. Youth are Not Adults
2. Importance of Prevention
3. Importance of Time in System
4. Right Services, Right Time
5. Providing Positive Alternatives
6. Roles of Substance Abuse

**B. Appreciating Importance of Systems Approach**

1. Family Supports
2. Role of Schools
3. Faith Communities
4. Economic Development
5. Smooth Transitions

**C. Protecting Community Interests**

1. Safety Concerns
2. Juvenile Courts
3. Accountability
4. Risk Factors

**D. Council Responsibilities**

1. Sharing Information/Communication & Collaboration
2. Specific Needs of Subgroups
3. Monitoring Ourselves
4. Core Requirements
5. Leveraging Resources

- **Mission Statement “To advocate for an effective, fair and equitable juvenile justice system for every Iowa youth.” – Action**

**Margaret Johnson moved to approve the mission statement with one change: ‘every’ to ‘all’, seconded by Judge Stephen Clarke. The motion was unanimously approved.**

- **Legislative Action Committee Recommendation – Action**

Smith reviewed discussion that took place during the PnP meeting regarding the establishment of a “legislative action committee”. Consideration was given to changing the responsibilities, functions, and name of the PnP subcommittee. The PnP also considered travel costs and quorum issues if another subcommittee was formed. Ferneau added that the PnP was originally formed to review funding applications, a procedure that is no longer relevant due to funding reductions.

**The PnP brought forth the following motion: “In lieu of establishing a separate legislative action subcommittee, it is recommended that the current PnP Subcommittee take on legislative advocacy responsibilities. Furthermore, the PnP recommends the Executive Committee review the by-laws regarding the roles of the current PnP committee and consider renaming it.”**

Discussion included concerns with DHR director approval of legislative positions. Smith reassured that this would be considered.

**The motion was unanimously approved.**

[The Council recessed for lunch from 11:43 a.m. to 12:31 p.m. Carl Smith departed the meeting.]

#### **IX. ITFYW Sub-Committee Report**

- **DHS – IJH Letter/Request – Jennifer Tibbetts – Action**

Jennifer Tibbetts reported on administrative vacancies at the Iowa Juvenile Home in Toledo. A draft letter to Director Palmer, DHS, was provided in the meeting packet. **The Task Force was seeking approval to send the letter. The motion was unanimously approved.**

Tibbetts reported on the school-to-court position paper with the DMC subcommittee. A draft position paper will be presented for JJAC approval at the September meeting.

#### **X. DMC Sub-Committee Report**

Kuker reviewed school data collection efforts and student discipline policy concerns. Technical assistance is being provided to Iowa City schools on June 17<sup>th</sup> by David Osher, American Institutes for Research. Training will focus on strategies for dealing with student misbehavior and defiance/disrespect. Discussions are underway with Des Moines schools regarding the potential of tracking a cohort of sixth grade students from various buildings to identify reasons for office referrals and referrals to juvenile court. Discipline procedures can vary within a district and by building; school suspensions can affect graduation rates.

Ford noted that a DMC ‘listening tour’ will be held in Iowa City in July. He plans to visit other communities in the future. Letters regarding attendance guidelines were sent to DMC members who have missed meetings.

**XI. MHSABD Sub-Committee Report – Christy Burkhart**

- **JCO Survey Results – Kathy Nesteby & Scott Musel**

Nesteby reported that the subcommittee has identified an individual from the University of Iowa to update the “Staff Guide for Working with Problem Behaviors”. The update coincides with the May, 2013, release of the DSM-5 (Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), compiled by the American Psychiatric Association.)

Nesteby reviewed preliminary findings from the JCO survey on mental health treatment/access for current caseloads. A final report will be presented to the Council for review and approval.

The MHSABD is seeking changes to the Iowa Courts Information System (ICIS) to collect mental health diagnosis information in a data format accessible for research.

The subcommittee has expanded membership beyond JJAC members.

**XII. JDAI & Implementation Committee Report – Dave Kuker**

- **School to Court Update – Dave Kuker**

Kuker reported on a DMC planning initiative grant through OJJDP. There is interest by the State Court Administrator to expand the use of the detention screening tool. The grant application will surround statewide implementation. He will report on the status of the application at the next meeting.

Kuker discussed the overlap in DMC and Implementation Committee agendas. Options include merging the two committees. Discussions will be held with each group.

Kuker reported on his attendance at the Annie E. Casey Foundation national conference in Atlanta. Representatives from Black Hawk, Polk, and Woodbury Counties were in attendance. In other states, detention reform efforts are driven by state court administrators, legislatures, or Supreme Court officials. Several states that have implemented detention screening initiatives.

**XIII. SIYAC and ICYD Update – Steve Michael**

Steve Michael reported that new members were being selected for the State of Iowa Youth Advisory Council (SIYAC). Members, aged 14-20, serve two-year terms. Orientation is in July, meetings are held during the school year.

Iowa Youth Congress members are also being selected. Members are primarily underrepresented youth. A ‘mock’ congress is held in October. Youth bring forth issues and vote upon them. Following the congress, SIYAC members review issues and develop/submit position papers to the General Assembly. Last year, 55 youth participated—45 were minority youth.

AmeriCorps members are working to update the Youth Rights & Responsibilities handbook—last updated in 2004. The AMP Youth Bill of Rights will be included. A draft will be presented at a future Council meeting.

**XIV. JJRP Update – Kathy Nesteby**

Nesteby reported that invitations have been sent for the Juvenile Justice Reform Project (JJRP) stakeholder meeting June 24-25 in Des Moines. The project will be piloted in the 1<sup>st</sup>, 3<sup>rd</sup>, and 6<sup>th</sup> Judicial Districts. The purpose is to utilize Standard Program Evaluation Protocol (SPEP) to evaluate program effectiveness. Cost/benefit analyses will be conducted on the programs. Service providers will receive information regarding areas for improvement and validation. Local implementation teams will receive training following the event.

National partners include Georgetown University's Center for Juvenile Justice Reform, Vanderbilt University's Peabody Institute, and the Justice Policy Center at the Urban Institute. Researchers and staff from these institutions will provide information and answer questions.

**XV. PREA Report – Scott Musel**

Musel reviewed the Prison Rape Elimination Act (PREA). Although enacted in 2003, final standards were issued in June, 2012, by the Department of Justice. The law requires state facilities that house adult and juvenile offenders to be free from the threat of sexual abuse or relationships. The law will affect all juvenile facilities—training school, Iowa Juvenile Home, detention centers, and may also include shelters and residential treatment centers. Requirements include interviews with youth who have been sexually abused, ensuring that zero tolerance policies and incident reporting procedures are in place. While there is no funding attached, federal funding could be eliminated for noncompliance. Information is still being sought. Meetings will be held with DOC and DHS. A national resource center website is available.

**XVI. Unfinished Business**

Musel advised that an 'at-large' vacancy will exist on the Executive Committee due John Wauters' term expiration.

Musel reported that a request for a SAG member training TA will be submitted with AIR. If the TA is approved additional information will be provided.

**XVII. New Business**

Ferneau reported that future agendas will include a report from Chief JCO's.

**XVIII. Next Meeting – Thursday, September 5<sup>th</sup>, 2013: Polk County River Place, Room 1A**

**XIX. Adjourn**

**Judge Clarke moved to adjourn, seconded by John Wauters. The motion was unanimously approved. The meeting adjourned at 2:20 p.m.**

Respectfully submitted

Julie Rinker  
Administrative Secretary  
Div. of Criminal & Juvenile Justice Planning  
Iowa Department of Human Rights